

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
May 18, 2009

- D054766 In re Carter on Habeas Corpus**
The petition is denied.
- D054078 People v. Miranda**
The judgment is affirmed. Huffman, Acting P.J.; We Concur: McIntyre, J., Irion, J.
- D054353 In re Truttman on Habeas Corpus**
The petition is denied.
- D054282 In re Taylor D., a Juvenile**
The orders are affirmed. O'Rourke, Acting P.J.; We Concur: Aaron, J., Irion, J.
- D053842 In re Elizabeth R., a Juvenile**
The orders are affirmed. Haller, J.; We Concur: McConnell, P.J., Benke, J.
- D054479 In re Carter E., a Juvenile**
The appeal is dismissed. Irion, J.; We Concur: Huffman, Acting P.J., Aaron, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
May 19, 2009

- D053663 In re G. S. et al., Minors**
The judgment is affirmed. Benke, Acting P.J.; We Concur: McDonald, J., Irion, J.
- D054623 In re Trinity S. et al., Juveniles**
The appeal is dismissed. Aaron, J.; We Concur: Benke, Acting P.J., McDonald, J.
- D047875 People v. Soper**
The judgment is affirmed. Aaron, J.; We Concur: McConnell, P.J., McDonald, J.
- D052091 People v. Mena**
The order of probation is modified as follows: probation condition 12(b) is modified to read: “Not to associate with persons he knows are gang members or he knows are associated with the East San Diego gang”; and, probation condition 12(f) is modified to read: “Not to associate with persons he knows to have firearms or weapons in their possession.” The trial court is directed to forward a copy of the corrected order to the probation authorities. As so modified, the judgment is affirmed. CERTIFIED FOR PUBLICATION
McDonald, J.; We Concur: Nares, Acting P.J., Aaron, J.
- D054629 People v. Gorman**
Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.316.)
- D054317 In re Caraballo on Habeas Corpus**
The petition is denied.
- D054925 Croswell v. Superior Court of San Diego County/Thompson**
The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
May 20, 2009

- D053672 In re Marriage of Ollervides**
The opinion filed May 1, 2009, is modified. No change in judgment.
- D053541 People v. Smoots**
The judgment is affirmed.
McIntyre, J.; We Concur: Huffman, Acting P.J., Aaron, J.
- D054129 In re Joshua K. et al., Juveniles**
The order removing Joshua from Carmen's custody and placing him in her custody is reversed and remanded for the juvenile court to clarify the placement order concerning Joshua. All other orders are affirmed.
Irion, J.; We Concur: Huffman, Acting P.J., Haller, J.
- D053534 Eric M., a Minor, etc. v. Cajon Valley Union School District et al.**
Summary judgment is reversed. Each party to bear its own costs.
Huffman, Acting P.J.; We Concur: McDonald, J., Aaron, J.
- D054279 In re Chloe B., a Juvenile**
The judgment is affirmed. McConnell, P.J.; We Concur: Benke, J., McIntyre, J.
- D052587 Silver Creek, LLC et al. v. BlackRock Realty Advisors, Inc.**
The order is reversed and the matter is remanded for further proceedings consistent with this opinion. Appellant is entitled to its costs on appeal.
McIntyre, J.; We Concur: McConnell, P.J., Benke, J.
- D053427 People v. Viveros**
The judgment is affirmed. McDonald, J.; We Concur: Huffman, Acting P.J., Aaron, J.
- D050879 McWethy, Jr. v. Village Green, Inc., et al.**
The petition for rehearing is denied.
- D053239 People v. Coffin**
The judgment is affirmed. Huffman, Acting P.J.; We Concur: O'Rourke, J., Irion, J.
- D054865 Hamil v. Hamil**
Pursuant to California Rules of Court, rule 8.140, the appeal filed January 29, 2009, is dismissed for appellant's failure to timely designate the record (Cal. Rules of Court, rule 8.121(a)).

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

May 20, 2009 (Continued)

D053459 Bailon v. Ortega et al.

Respondents and cross-appellants Alicia Q. Ortega's and Arcelia Ortega's request to dismiss their appeal is granted. The cross appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(c)(2).)

D054281 In re Ian S., a Juvenile

The judgment is affirmed. Irion J.; We Concur: Benke, Acting P.J., Huffman, J.

D052921 Cephas v. City of San Diego et al.

The parties are directed to file, within 30 days of the date of this order, simultaneous letter briefs with respect to the implications, if any, of the Supreme Court's recent opinion in State Bd. of Chiropractic Examiners v. Superior Court (2009) 45 Cal.4th 963, on the trial court's judgment. The order of March 10, 2009, submitting this case is vacated. The case will be resubmitted upon receipt of the parties' briefs.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
May 21, 2009

- D054595 People v. Bowen**
The judgment of conviction is affirmed. The case is remanded for the limited purpose of resentencing Bowen in accordance with this opinion.
Benke, J.; We Concur: McConnell, P.J., Nares, J.
- D053390 San Diego Firefighters, Local 145, IAAP, AFL-CIO et al. v. City of San Diego**
The judgment is reversed. The parties are to bear their own costs on appeal.
Irion, J.; We Concur: McDonald, Acting P.J., Aaron, J.
- D053803 People v. Banks**
The judgment is affirmed. Nares, J.; We Concur: Benke, Acting P.J., O'Rourke, J.
- D053353 State Farm General Insurance Company v. Steigerwald-Dougherty, Inc., et al.**
D053772 State Farm General Insurance Company v. Steigerwald-Dougherty, Inc., et al.
(Consolidated) The judgments are affirmed. Respondents shall recover their costs on appeal.
Nares, J.; We Concur: Benke, Acting P.J., McIntyre, J.
- D052319 People v. Lincoln General Insurance Company**
The request for publication of the opinion is denied.
- D052079 National Metal Technologies, Inc., et al. v. Greene et al.**
The petition for rehearing is denied.
- D054459 In re Brown on Habeas Corpus**
The petition is denied.
- D054867 Roach v. Novacek**
Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(c)(2).)
- D055037 Kimberly K. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**
The attorney for petitioner Kimberly K. has notified the court that a petition for writ of mandate under California Rules of Court, rules 8.452 and 5.600, will not be filed as there are no viable issues for writ review. The case is dismissed.
- D054384 In re Moran on Habeas Corpus**
The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
May 22, 2009

- D053892 Hilbers v. Metropolitan Transit System**
The order is affirmed. Defendant is entitled to costs on appeal.
McDonald, J.; We Concur: Huffman, Acting P.J., Aaron, J.
- D053213 In re the Marriage of Parker**
The orders are affirmed. Parker is ordered to pay Montes (1) her costs on appeal, and (2) \$7,500 in sanctions for a frivolous appeal.
Haller, J.; We Concur: Huffman, Acting P.J., McDonald, J.
- D054693 In re S.E., a Juvenile**
Upon written request filed by appellant mother, the appeal as to Paulette D. is dismissed and the remittitur for Paulette D. is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(c)(2).)
- D054914 Jenny C. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**
The attorney for petitioner Jenny C. has notified the court that a petition for writ of mandate under California Rules of Court, rules 8.452 and 5.600, will not be filed as there are no viable issues for writ review. The case as to Jenny C. is dismissed.
- D054854 In re Davis on Habeas Corpus**
The petition is denied.
- D054107 Sinatra v. MJE Marketing Services, Inc.**
Upon written stipulation filed by the parties to the appeal, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(c)(2).)
- D054440 Imperial Asset Management, LLC v. Matthews Land, Inc./Westmount Properties, LLC**
The petition for writ of supersedeas is denied.